

# MIAMI BEACH

OFFICE OF THE CITY MANAGER

No. **314-2016**

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 26, 2016

SUBJECT: **CITY OF SOUTH MIAMI RESOLUTION**

Attached for your information is Resolution No. 133-16-14688, adopted by the Mayor and City Commission of the City of South Miami on July 12, 2016.

A Resolution Of The City Of South Miami Calling For The Florida Legislature To Limit The Number And Size Of Firearm Magazine Clips And To Ban Quick Release Magazine Capabilities Of Weapons Sold And/Or Possessed By Members Of The General Public.

The City of South Miami has requested that a copy of this resolution be provided to the Miami Beach Mayor and Commissioners.

If you have any questions, please contact the Office of the City Clerk at 305.673.7411.

JLM/REG 

Attachment

**RESOLUTION NO. 133-16-14688**

**A Resolution of the City of South Miami calling for the Florida Legislature to limit the number and size of firearm magazine clips and to ban quick release magazine capabilities of weapons sold and/or possessed by members of the general public.**

**WHEREAS**, there have been recent mass shootings and the United States Congress has chosen not to do anything; and

**WHEREAS**, the shooters have carried multiple high-capacity ammunition clips with them; and

**WHEREAS**, one of the principal goals of the United States Constitution set forth in the preamble to the Constitution, is "to insure domestic Tranquility;" and

**WHEREAS**, the United States Supreme Court has held that longstanding prohibitions and restrictions on firearms possession are consistent with the Second Amendment notwithstanding the fact that the Second Amendment protects an individual's right to possess a firearm, unconnected to service in a militia; and

**WHEREAS**, the United States Supreme Court has ruled that the Second Amendment does not grant to the citizens of the United States the right to bear all arms and that the states are authorized to limit the type of arms that a citizen is allowed to own. See *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783, 171 L. Ed. 2d 637 (2008). In *Heller*, while striking down several statutes in the District of Columbia prohibiting the possession of handguns and requiring lawfully-owned firearms to be kept inoperable, the Supreme Court found that the Second Amendment only protects an individual's right to possess firearms, at least for purposes of self-defense in the home. *Id.* at 576, 636. The court made it clear that it was referring to those weapons "in common use" and that the right did not extend to "those weapons not typically possessed by law-abiding citizens for lawful purposes," [*id.* at 625, 627] and that "the right [is] not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose" *Id.* at 626; and

**WHEREAS**, the Florida Constitution, Article 1, Section 8 (a) states: "The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, **except that the manner of bearing arms may be regulated by law**" [emphasis added]; and

**WHEREAS**, a limit to the amount of ammunition carried by a law-abiding person at any given time does not prevent the use of their weapon when needed in an emergency situation; and

**WHEREAS**, legally acquired weapons with high-capacity ammunition clips were used by American citizens to massacre innocent people in Columbine, Aurora, Newton, San Bernadino, and now in Orlando; and

**WHEREAS**, in the Columbine mass shooting, the attackers were armed with a handgun, a shotgun, and other weapons but more to the analysis for the purposes of this resolution is the fact that they had 16 magazines of ammunition for their handguns. It has been reported that they had, for their handguns, thirteen (13) 10-round magazines, one 52-round magazine, one 32-round magazine and one 28-round magazine; and

**WHEREAS**, in the Aurora mass shooting, the attacker was in possession of a rifle with a 100 drum magazine, in addition to other weapons; and

**WHEREAS**, in the Sandy Hook Elementary School mass shooting in Newtown, the attacker was in possession of multiple 30-round capacity magazines for a rifle, in addition to other weapons; and

**WHEREAS**, in the San Bernadino mass shooting, the attackers were armed with a large AR-15, which typically has a 30-round magazine, in addition to other weapons; and

**WHEREAS**, in the Orlando mass shooting, the attacker was armed with a semi-automatic rifle that typically has a 30-round capacity magazine and a semi-automatic pistol that typically has a 17-round capacity magazine; and

**WHEREAS**, the legal possession of extra ammunition magazines is a proven threat to law enforcement and to the safety and tranquility of Florida's population as a whole; and

**WHEREAS**, the absence of a quick release mechanism could give someone time, in the case of a mass shooting incident, to take down the shooter; and

**WHEREAS**, the sale or possession of any weapon with quick release magazines or any tool that converts a gun to a quick release should be banned.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, THAT:**

**Section 1.** The City of South Miami, Florida, urges the Florida Legislature to: limit the size of any ammunition clip possessed by members of the general public to ten (10) rounds of ammunition; to limit the number of firearm magazine clips to one (1) per firearm while being carried; to ban the sale or possession of any weapon for firearm with detachable quick release magazines or any tool that converts a gun to allow a quick-release; and to ban the sale of magazine clips sold separately, unless in exchange for a clip previously sold with a weapon. The foregoing should not apply to state-certified law enforcement officers, federally-certified law enforcement officers, and members of the United States military who are on active duty. We further request that all other municipalities and counties in Florida join us in letting the voices of sanity and reason be heard and prevail in Tallahassee by limiting the type and number of ammunition clips that can be sold or possessed, and ban the sale and possession of weapons with quick-release mechanisms and the sale and possession of quick release attachments to weapons to the general public.

**Section 2.** The City Clerk is hereby directed to send a copy of this resolution to the municipalities in Miami-Dade County, members of the County Commission, the Florida House, the Florida Senate, the Governor, the Miami-Dade Congressional Delegation, the League of Cities and the League of Counties.

**Section 3.** This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 12<sup>th</sup> day of July, 2016.

ATTEST:

  
CITY CLERK

APPROVED:

  
MAYOR

READ AND APPROVED AS TO FORM,  
LANGUAGE, LEGALITY  
AND EXECUTION THEREOF:

  
CITY ATTORNEY

COMMISSION VOTE	5-0
Mayor Stoddard:	Yea
Vice Mayor Welsh:	Yea
Commissioner Edmond:	Yea
Commissioner Harris:	Yea
Commissioner Liebman:	Yea